

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CITIZENS UTILITY BOARD)	
)	
Complaint requesting the ICC)	
to order Peoples Energy)	
Services to cease and desist)	Docket No. 03-0592
misleading Marketing of gas)	
offering)	

**REPLY OF
PEOPLES ENERGY SERVICES CORPORATION
TO STAFF'S RESPONSE TO MOTION TO FILE PROPOSED DRAFT ORDER**

To the Administrative Law Judge:

Pursuant to 83 Illinois Administrative Code Section 200.190, Peoples Energy Services Corporation ("PE Services") hereby files its Reply to the Illinois Commerce Commission Staff's Response in Opposition to Peoples Energy Services Corporation's Motion for Leave to File Instanter Proposed Draft Order.

1. Section 200.810 of the Commission's Rules of Practice expressly contemplates an Administrative Law Judge ("ALJ") requiring a party or parties to file a draft order or permitting a party or parties to do so. 83 Ill. Admin. Code §200.810. The ALJ did not require any party to file a draft order in this proceeding. PE Services elected to file a draft order and, in accordance with the Commission's Rules of Practice, filed a motion requesting the ALJ to permit the filing of that draft order.

2. The Commission's rules do not require a party to request permission at a hearing to file a draft order, nor do the rules dictate the timing of the filing of a draft order. The facts that PE Services did not request permission to file a draft

order at the hearing and that the draft order was not filed until the day after the filing of reply briefs provide no basis for denying the motion for leave to file the draft order.

3. Staff's contention that the draft order is tantamount to allowing PE Services to file a third brief is simply wrong. The draft order sets forth, as statements of fact and argument, positions that PE Services, the Staff and the Citizens Utility Board included in their reply briefs. It does not include a new response by PE Services to those positions and includes nothing that is not in the record in this case.

WHEREFORE, PE Services prays that the Administrative Law Judge grant PE Services' Motion for Leave to File Instant Proposed Draft Order.

Dated at Chicago, Illinois this 22nd day of December, 2003.

Respectfully submitted,

Peoples Energy Services Corporation

By: /S/ MARY KLYASHEFF

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CERTIFICATE OF SERVICE AND NOTICE OF FILING

I hereby certify that I have this day filed by e-docket the Motion of Peoples Energy Services Corporation and served such Motion by electronic mail to each of the parties of record in Ill.C.C. Docket No. 03-0592.

Dated at Chicago, Illinois this 22nd day of December, 2003.

By: /S/ MARY KLYASHEFF
Mary Klyasheff
An Attorney for
Peoples Energy Services Corporation